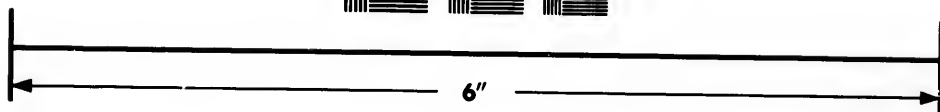
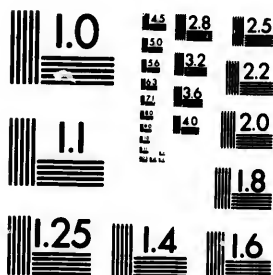


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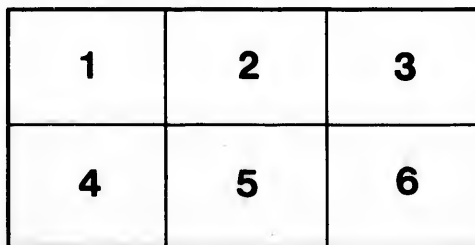
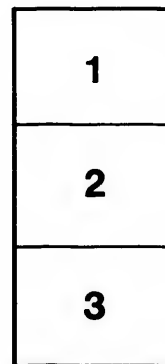
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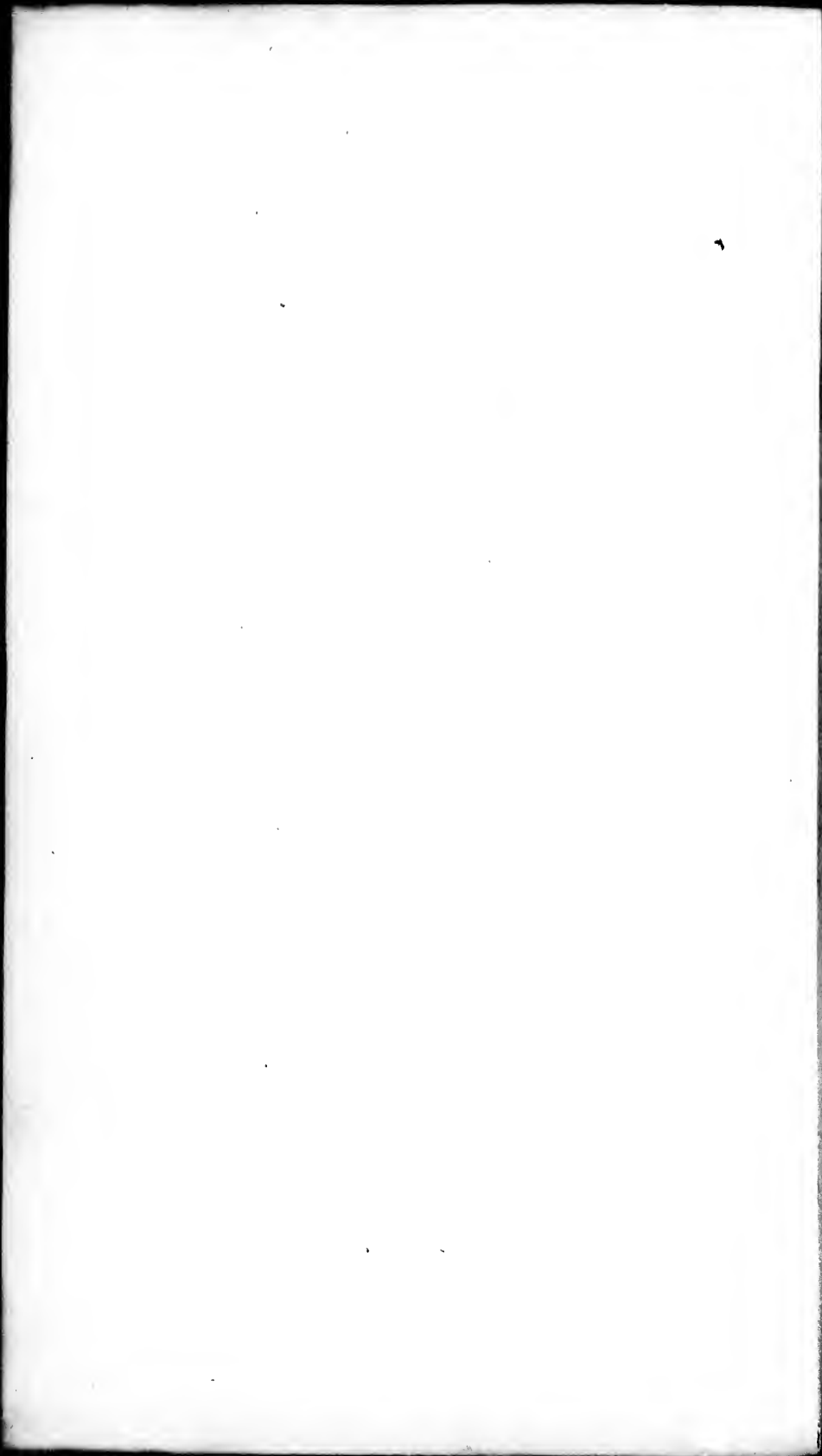
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# INSTRUCTIONS

BY THE

COMMISSIONERS

OF

**His Majesty's Customs,**

TO THE

COLLECTORS OF THE CUSTOMS,

IN THE

**BRITISH POSSESSIONS ABROAD.**

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London:

PRINTED BY H. TEAPE AND SON, TOWER-HILL,

*for His Majesty's Stationery-Office.*

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# INSTRUCTIONS

BY THE

COMMISSIONERS OF HIS MAJESTY'S CUSTOMS,

To *Mr. S. D. McConnell* <sup>acting Sub-</sup> Collector of  
*His Majesty's Customs at the Port of Gaspee,*  
in the *Port* of *Quebec*

ARTICLE 1. For the better enabling you to execute the Duties of your Office, you will receive herewith Copies of the several Acts of Parliament, relating to the Revenue of Customs, to the end of the Session of 1827, (and all subsequent Acts will be transmitted to you, so soon as they shall be published) and you will not fail to make yourself well acquainted with the provisions and regulations therein contained, and duly observe the same so far as they relate to the *Province* of *Canada*

Art. 2. You will also receive herewith Copies of our Instructions to the ~~Controller~~ at your Port, and to the several Officers under your ~~joint~~ control, for the due performance of the duties of their respective Offices, and also of all our General Orders in force at this date; and you are to make yourself acquainted with the several regulations therein contained, and take care that they be duly obeyed.



*Original order 23 July 36* 4

Art. 3. You will observe that, by the ~~Act 6 Geo. IV. Cap. 106, Sec. 11.~~ you are required to take the oath therein set forth on your admission into office; and that by the 9th Section of said Act you are prohibited from receiving any Fee or Reward, without the sanction of the Lords of the Treasury, on pain of dismissal for the first offence; and also that by the 29th Section of the aforesaid Act, if any person shall give, offer, or promise to give any bribe or reward to any Officer of the Customs, to induce him to neglect his duty, or to do any act whereby the provisions of any Act of Parliament may be evaded, every such person forfeits the sum of £500.

Art. 4. By virtue of the powers vested in Us by the Act 6 Geo. IV. Cap. 106, Sec 12. We direct you to attend in your Office, at the Custom-house, from Ten o'Clock in the Morning until Three in the Afternoon, and in cases of emergency, or importance to the public service, or for the facility and accommodation of trade, you will attend for such further time as may be necessary for the despatch of the current business, and you will take care that your Clerks give like attendance to enable them to post their books, and to perform other indispensable duties that the current business of the Port may not fall into arrear, nor your accounts be delayed beyond the periods prescribed for their transmission, and you will observe that the Act 6 Geo. IV. Cap. 106, Sec. 13. prescribes what days are to be kept as public holidays, which you will take care is duly obeyed.

Art. 5. In order that a correct return may be made to Us of the non-attendance of the several

Officers and Clerks under your survey, you are to require them to sign an Appearance Book, in the morning and evening of every day, shewing the precise time of their arrival and departure; and you ~~on the Controller~~ are frequently, and at uncertain times, to inspect the Appearance Book, in order that you may ascertain whether there has been any relaxation in the attendance of the several Officers and Clerks under your supervision, and you are to sign your initials therein, in proof of having made such examination.

Art. 6. You are carefully to collect and receive all Money due and payable to His Majesty, on account of the Revenue at your Port; and you are to account for all such Monies as shall come into your hands, by keeping a Cash Book according to the Form A, in which every item of receipt, and of discharge, for which you have authority to take credit, are to be accurately and distinctly shewn at the close of every day.

See General Order, 20th Dec. 1827, for manner in which the Duties are to be received.

Art. 7. You are also to keep a separate Cash Account according to the Form B, of all Deposits received by you for Duties, and of their re-payment on perfecting the Entries for which they were made; and these occurrences are, in like manner, to be entered daily as they arise.

Art. 8. You will also keep a separate Cash Account of Receipts and Payments, according to Form C, of all Monies which may come into your hands on account of Seizures and Penalties, which are to be entered as they occur.

Art. 9. From these several Accounts of your

Receipts and Payments (as mentioned in the preceding Articles) you are, at the end of every day, to exhibit a proof of the accuracy of your Account with the Crown, by shewing, in a Check Book of Balances, that you have duly examined the Receipt with the Expenditure, and the Money remaining in your hands, as described in the Specimen D; and ~~it being also the Controller's duty to ascertain this essential point, you are to procure his signature in test of his having made such examination, observing that in order to facilitate and maintain the constant check which that Officer is thus required to exercise upon your Accounts, you are expressly forbidden to blend any other Money with that which shall come into your hands on account of the Crown, which is to be deposited in the King's Chest, under the separate Locks of yourself and the Controller.~~

Art. 10. You are at the end of every day, or on the following day at farthest, to cause the particulars of all Entries, and of all Payments, to be posted in the several Books appropriated to those purposes, in order that the Controller may be enabled to check and examine the same in the manner directed by his Instructions.

Art. 11. You are not to give Credit to any person for the payment of Duties, but shall receive the same upon passing the Entries (except for Goods allowed to be warehoused under the Crown's Lock, without payment of Duty on the first Entry thereof;) and you are not, upon any pretence, to put any Merchant out of his turn, or unjustly postpone the dispatch of his business.

Art. 12. You are to make up your Accounts of

Receipts and Payments Quarterly, and not otherwise, (unless in case of removal) according to the Forms hereunto annexed, viz: on the 5th April, 5th July, 10th October, and 5th January in each year; and the said Accounts are to be signed by yourself ~~and the Controller~~, and sworn to by you before the Governor or person administering the Government, but if the Port be distant from the Seat of Government, the Collector may swear to his Accounts before the senior resident Magistrate, who is to attest the same under his Hand and Seal. You are also to prepare the several Accounts mentioned in the annexed List, at the periods therein mentioned; and you are, within 14 days from the expiration of each Quarter, to transmit the said Accounts to us, either by one of His Majesty's Post-Office Packets, or a Vessel bound to this or some other Port in England, addressed to us in the manner directed by our General Order, 1st July, 1801, and transmitting advice of such Accounts as directed by our General Order, 26th August, 1819.

Art. 13. You are to take care that the Balance of all Duties received under Acts passed prior to the Act 18 Geo. III. Cap. 12, and of all Fines and Forfeitures, be paid over to the Commissariat Department as directed by our General Orders of the 1st March, 1820, and 17th February, 1826, and that the Commissary's Certificate be transmitted to the Receiver General of the Customs, for the time being, residing in London.

Art. 14. And you will pay over to the Treasurer or Receiver General of the \_\_\_\_\_ within 14 days from the expiration of each Quarter, the

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Balance of all Duties received under Acts passed subsequent to the 18 Geo. III. Cap. 12, after paying the Salaries of the several Officers, Clerks, and other persons employed at your Port, in the proportion directed by our General Orders of the 12th December, 1825, and 15th May, 1826, and you will annex to your Accounts the Receipt of the Receiver General or Treasurer.

Art. 15. Observing that if the proportion of Duties received under Acts passed subsequent to the 18 Geo. III. Cap. 12, applicable to the payment of the Salaries of such Officers, &c. should be insufficient for that purpose, you will, previous to drawing Bills on the Receiver General for such deficiency, apply any Balance in your hands on account of Duties received under Acts passed prior to 18 Geo. III. Cap. 12, and of Fines and Forfeitures, in payment of Salaries, instead of paying the same over to the Commissariat Department.

Art. 16. You are to observe that, on the Appointment of yourself or any other Officer, you are not entitled to take credit for any allowance for Incidents until the same shall have been craved and renewed by a Special Order from us, and in your application, craving a renewal of any such allowance, you will state whether the Services for which the same were first made have been actually performed, and whether it appears necessary that they should be continued, and you are on no account to delay transmitting your Accounts, on the ground of waiting for the receipt of such Order, as you can take credit in a succeeding Account for such Sums as we may think proper to allow.

**Art. 17.** When any Work is required to be performed, or any Articles to be provided, the expence whereof will exceed 40s. sterling, you are to represent the necessity thereof to us, and transmit an Estimate for our sanction previous to the same being done or provided, as without such previous sanction no charge for any such articles, &c. will be allowed in your Accounts unless in case of urgent necessity, when you are forthwith to report the same to us as aforesaid, observing that you are not to insert such charge in your Accounts, until the receipt of our Order, when you are to annex the Bills and Receipts to your Accounts, wherein the same are charged, referring to the date of our Order; observing that the correctness of each Tradesman's Bill is to be certified by the Officers under whose inspection the Work or Article therein charged were performed or provided, and that the prices charged for the same are reasonable, and no more than what would be paid by individuals for the like Service.

**Art. 18.** You are to annex to your Accounts Receipts for all Payments exceeding Five Shillings sterling, or they will be disallowed; for which purpose you will require the persons to whom Payments are to be made, to bring in Two Copies of their Bills, or other Demands, upon which you are to take separate Receipts, one of which may remain with you, and the Duplicate thereof transmitted, with your Accounts, as before directed. And when any Payment whatever is made, or any Duties are returned to any other person than the Principal, you and the Controller are to certify, on the back of the Receipt, that the Party to whom the Money was paid, produced a legal authority (describing the same) entitling him to receive the amount.

Art. 19. You are not to pay the Salary of any ~~Landing Waiter until the Controller~~ shall have certified, at the foot of the Collector's Account of Salaries and Incidents, that the "Blue Books" for all Ships discharged by such Landing Waiter, in the Quarter for which his Salary is due, have been delivered in, and that no Post Entries are outstanding, nor are you to pay the Salary of any other persons employed at your Port, until the several Books kept by them have been duly posted up to the end of the Quarter, as without such Certificate you will not have Credit for the Salary of any such Officer. With respect to such Officers that are dead, dismissed, removed, or have absented themselves without leave, or have been lately admitted, you are to pay the Executors of the deceased, or legal Representative, and the other persons for the time only for which they served, taking their respective receipts for the same.

NOTE. No person who does not hold our Commission is to be paid Salary, except for the time he shall perform, in person, the Duties of the Office in which he may be acting.

Art. 20. You are immediately, after any Seizure is made, to transmit to us in the printed Form No. 72, an Account of such Seizure, stating therein the several particulars set forth in the annexed printed Questions, so far as they may relate to such Seizure, with such further observations as you may deem necessary for our information; And you are specially enjoined to take care that proceedings are not instituted for the condemnation of any Seized Goods, Vessels, &c. until you and the ~~Controller~~ are satisfied there is a legal ground of forfeiture; and should any Seizure be made by any Officer under your survey, on grounds which you and the ~~Controller~~ may deem insufficient, or that it would not be advisable to prosecute, you will direct such Officer to deliver up such Seizure to the Owners

thereof, otherwise you will be held responsible for the costs of the proceedings, in case the Judge, before whom the Cause may be tried, shall refuse to give a Certificate of probable cause of Seizure; and should any Seizure be made upon the grounds of any defect or omission in the documents by which the Goods may be accompanied, or from any other cause in which you may be satisfied there was no intention to commit fraud, you will deliver such Goods on security, by Bond being given to the King, with two Sureties, in double the value of the Goods, conditioned to comply with such Orders as we may deem it expedient to make on the case.

Art. 21. You will observe that you are, by virtue of your office, the Warehouse Keeper of all Goods seized and condemned, as well as other Goods that are deposited under the King's Lock; and that it is your duty to cause all condemned Goods to be properly put up to Sale, and the proceeds thereof brought to account with the cognizance of the ~~Controller~~. And you are to guard against waste or leakage of any Goods so deposited, for if any such leakage shall arise, or the Goods be deteriorated by your neglect, you will be charged with the value thereof.

Art. 22. Upon the Seizure of Vessels or Boats liable to forfeiture, you will direct the Tide Surveyor to take an Inventory of their Stores and Equipments to prevent embezzlement.

NOTE. When there is no Tide Surveyor at the Port, this duty is to be performed by one of the Landing Waiters

Art. 23. You will keep a Register of all Seizures, and of all Proceedings for pecuniary Penalties, according to the Form No. 70, in which you are to account for the receipt and disposal of all



Goods seized, and of all Monies received on account of Penalties; you are to keep a Book containing the particulars of the sale of all condemned Goods, Vessels, or Boats, in which you are to enter an account thereof according to each distinct lot, (which are to be numbered progressively) in the order in which the same was disposed of.

Art. 24. Whenever you, or any other Officer within your Port, shall perform any service whatsoever upon information given of Goods run, or intended to be run, or looking out in hopes of making Seizures, you are not, either for yourself or such Officer, to crave an allowance for the same, the share of the forfeiture given to the Seizor being the proper recompence for that service; and you are to observe that when any information is given to Officers, the Informer is to be paid by the Officer who makes the Seizure out of his share, and that it is usual in the United Kingdom, to allow the Informer one third of the Officer's share; and you are to take care that the like practice be observed at your Port.

Art. 25. You are to transmit to us a Quarterly Account of all Seizures according to the Form No. 73, and you are to take care that the instructions for preparing said Account hereunto annexed be duly obeyed; and also a Copy of the Account of Sales of all condemned Goods, &c. sold during each Quarter; also of the Charges attending the condemnation and sale thereof, taking care that separate and distinct Bills and Vouchers for each Article are annexed to such Accounts, and that the same be laid before the Governor for his information and approval.

Art. 26. In case of the acquittal of any Seizure by the Court wherein the same may be tried, which may involve any question of importance, you are, jointly with the Controller, to cause a case to be laid before the Attorney and Solicitor General of the Colony, for their Opinion how far it may be advisable to appeal to the High Court of Admiralty, or to His Majesty in Council, from such decision; and if they shall be of Opinion that such Appeal is expedient, you will request them to pray the Court to grant the same accordingly, taking care to advise us thereof, and to transmit an authenticated Copy of the Proceedings, accompanied with a Note of the grounds of Judgment, and the Law upon which the same was founded, in order that the Appeal may be proceeded with, if we shall deem it advisable.

Art. 27. You will take care that the Proceeds of all Seizures be secured under your and the Controller's joint Custody, and in no case distributed until you have been apprized by us that no Appeal has been prosecuted within the time allowed for that purpose; and on the receipt of our Orders, directing the distribution of the Proceeds of Seizures, you will pay to the several persons the proportion they may be entitled to, annexing their Receipts to your Accounts.

Art. 28. You are to afford prompt obedience to any requisition which the Governor, or other person administering the Government, may make to you for any accounts or information relating to your department, or any order or direction issued by him, observing that if you should at any time deem it your duty to object to obey any such order, you are to govern yourselves by the Instructions con-

tained in our General Order, 5th July, 1814; and you will transmit to us Copies of all communications you may make to, or receive from, the Governor or other Public departments.

General Order,  
26th August, 1817.

**Art. 29.** You will, upon the death, suspension, or resignation of any Officer or Clerk under your Survey, advise us thereof by the first opportunity, and on any Vacancy of such Office, you will apply to the Governor to nominate a proper person to perform the duties thereof until you shall receive our further directions, taking care to state in your Report whether it is, in your opinion, necessary that such Office should be filled up, or whether the Duties can be more economically provided for; and you will take care that all persons acting as Officers of this Revenue, during vacancies, do give security to the Crown, by Bond, with two Sureties, for the due performance of the duties of the Office to which they may be appointed, in the like Sum required from the Established Officer, and that such Bond be deposited in the King's Chest, and not delivered up without our authority; and also that Copy of our Instructions for the Office to which such person may be appointed, be delivered to him previous to his being admitted to the performance of the duties thereof.

**Art. 30.** Neither you or the Controller, nor any Officer under your Survey, are to leave the Port, without previously obtaining permission from this Board or the Governor, and if such leave shall be obtained from the latter, you will report whether it was for the benefit of health, or on account of private affairs, and in what manner the duty of the Absentee is to be performed, observing that when either

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yourself or the Controller shall obtain leave of absence, you will nominate a proper person to perform your duty, for whose conduct you will be responsible to the Crown; and that the Controller is in no case to act for you during your absence on leave, or otherwise, as the purpose of his appointment, which is that of a check upon the Collector, would thereby be rendered nugatory. And you will take care that if the duty of the Absentee is to be performed by any Officer or Clerk on the Establishment of your Port, that a proper person is employed to perform the duty of the Officer or Clerk so appointed to the superior duty, and on no account are you and the Controller to be absent at the same time, except from illness; nor are the Officers and Clerks under your Survey to apply to the Governor for leave of absence, without previously obtaining your sanction.

Art. 31. You are not to permit any Officer to be absent from his duty without the concurrence of the Controller, nor for any longer period than six days at one time, and then only when the business of the Port will allow of such Officer's absence without prejudice to the Service.

Art. 32. You will take care not to pay any Salaries either to yourself or the Controller, or any Officer or Clerk under your Survey, for any period you or they may be absent with leave, without annexing to your Accounts a Certificate from the person who performed the duty of the Absentee, certifying that he has been duly satisfied for so acting, and specifying the amount of remuneration paid to such person, who is entitled to at least one moiety of the Salary of the Office in which he may

have acted, and as no Officer is entitled to Salary for the time he may be absent without leave, unless our Order shall have been obtained for the payment, you will govern yourself accordingly; observing that every Officer is to be deemed absent without leave, unless he shall have arrived at his Port on or before the day upon which his leave of absence expires; and when, from unavoidable circumstances, an Officer fails to arrive at his Port previous to the expiration of his leave of absence, such Officer is to transmit to us (and if an inferior Officer through you) a statement of the cause of failure.

**Art. 33.** You will transmit to us, on the 5th January of every year, an Account of the Establishment of your Port, with the other particulars specified in the Form No. 81, and you will carefully discriminate, in such Account, the qualifications, and general character and behaviour of each Officer and Clerk during the preceding year.

**Art. 34.** You are also to transmit to us, on the 5th of January of each year, a comparative Statement of the Trade; of Duties received; and of the Expenditure of your Port, for the last and preceding years, according to the Form No. 81, taking care to account for any increase or diminution under the latter head.

**Art. 35.** As soon as the death or bankruptcy of either of your Sureties shall come to your knowledge, you are to give us notice thereof, and propose fresh Security for our approval, observing that if you neglect so to do, within the periods prescribed by the Act of 52 Geo. III. Cap. 66, Sec. 8, you will

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incur the forfeiture and loss of office inflicted by that Act. And so soon as you shall be made acquainted of the decease, bankruptcy, or insufficiency of the Securities of any of the Officers under your Survey, you are forthwith to call upon the Officers to nominate fresh Sureties, and to represent the same to this Board, so as to prevent, as much as possible, any Officer from acting when not under proper Security for the discharge of his duty, and from incurring the Penalties imposed by the Act before referred to.

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**Art. 36.** You are to take care that all Orders from this Board, or from the Governor of the Colony or other Public departments, are promptly communicated to those Officers whose conduct they are intended to govern; and you are to take care that the initials of the Officers, with the dates of their acknowledgment, be inserted in the margin of the Order, as a Voucher of your having communicated the same.

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**Art. 37.** You are to number, progressively, from the 1st January in each year, all letters you may address to us, taking care not to blend different subjects in one letter, and you will report, at the end of each year, the number of letters sent and received, and you will acknowledge the receipt of all letters from this Board, by the first opportunity, after the same are received.

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**Art. 38.** You are carefully to preserve all Acts of Parliament, Orders, Letters, and Communications which you may receive from this Board, or other Departments, taking care that the same are properly indexed for the information of yourself and the

several Officers under your Survey, so far as the same may relate to them.

Art. 39. You are to keep the several Books mentioned in the annexed List, including those already referred to in the foregoing Instructions, and you are to take care that the same, as well as all other Books which may be required for the due management of your Office, be regularly and accurately posted up, and kept, where the Controller can have constant access to them for his examination, in the manner directed by his Instructions.

Art. 40. Neither you, nor the Controller, nor any Officer under your Survey shall, either in your own, or their name, or in the name of, or in partnership with any other person, directly or indirectly, trade as a merchant, for yourself, or themselves, or act as Factor, Agent, or Attorney, for any other, in or for any Goods, Wares, or Merchandize, nor for any Estates, nor as Prize Agents, nor exercise the professions of Law or Physic; and if you shall discover any Officer or Clerk at your Port trading or acting in any way contrary to the above direction, or acting as Clerk to any Merchant, or other person, or that he is engaged in any other employment whatever, to divert him from a proper attention to his duty, you are to enjoin him immediately to desist; and in case of his non-compliance with such injunction, you are to advise us thereof, without delay, for our directions.

Art. 41. You are, jointly with the Controller, to examine all Letters, Reports, and Accounts to be transmitted to, or which shall be received from, this Board or other Public Department; as also all

**Ships' Reports, Inwards and Outwards, Entries, Warrants, Clearances and other Custom-House Dispatches, which it is necessary he (the Controller) should sign before they are delivered, and you are to acquaint him with all payments proposed to be made on account of Salaries or Incidents, which are to be approved of, and signed by him, otherwise they will not be allowed, and you are to advise with him upon all circumstances relating to the Service, his concurrence with you therein being constantly requisite, as the established check upon your Accounts and Conduct. And when he shall decline to join in any Letter, Report, or other Communication which you may have occasion to address to us, he is to assign his reasons, at the foot thereof, for such refusal for our consideration.**

**Art. 42.** You are strictly to observe the aforesaid, and such further Instructions and Orders, as shall, from time to time, be given to you from this Board; and you are not only faithfully and diligently to discharge and execute the trust and employment of your Office, by duly accounting for all sums of Money payable to His Majesty, and by doing every other matter relating to your duty in the said Port, but you shall also have a particular care and inspection into the demeanor of all Officers and persons employed in the Service of His Majesty's Customs at your Port, Copies of whose Instructions you will receive herewith; and when you shall discover any fraud, negligence, or misbehaviour, you shall charge such Officer therewith according to the rules hereto annexed, transmitting to us your charge with the Officer's answer thereto, together with your report and observations, and the evidence adduced on each side for our consi-



deration and directions, observing that you are not to suspend any Officer from the duties of his office, except in cases of fraud, or such gross misconduct as may call for immediate interposition, and then only with the sanction of the Governor, signified to you by his Order in writing.

And whenever any Officer of the Customs shall be suspended, one moiety only of the Salary of the Office is to be paid to the person performing the duties thereof, until you shall receive our directions on the matter.

*A. B.*

*Custom-House, London,*

*20<sup>th</sup> December 18 28*

*A. Murray*  
*James Wright*

## RULES

*To be observed by the Surveyors General, Collectors, or other Officers, on the Examination of Complaints made against Officers and Persons employed in the Service of the Customs, for Neglect of Duty, or other Misconduct.*

(Referred to in Article 42 of the annexed Instructions.)

1. You are to frame a full and distinct Charge, in writing, setting forth under separate heads the several matters of misconduct or complaint.

2. The Charge is to be delivered to the Party accused, who is to be allowed a reasonable time to return his Answer thereto, in writing. On the Answer being received, you are to fix a day for the investigation of the Charge, of which the Accused and the Complainant are to have notice.

3. *Both Parties* being present (if practicable) you are to proceed to a hearing, in like manner as is practised in Courts of Justice, by permitting the Complainant first to go through his Evidence on Oath, and also such Witnesses as he may have to produce in support of the Charge; and you are to remind the Accused that he is then at liberty to put such Questions to the Complainant and the Witnesses, as may be necessary to his exculpation.

4. You are afterwards to call upon the Accused Party for his Defence by such Proofs as he can produce.

5. The Depositions are to be carefully taken down in writing, and distinctly read over to the Witnesses respectively, before they are required to sign the same.

6. If it shall appear to you that there are other persons besides those produced who are capable of giving farther Evidence, you are to endeavour to procure the Attendance of such persons; observing that it is your duty carefully and impartially to interrogate the several Parties, and to cross-examine the Witnesses on both sides, whereby the truth of the several matters contained in the Charge and Answer may be the better discovered.

7. You will take care that the Complainant as well as the Accused Party be present, (if practicable,) during the *whole* of the proceeding, and that the Witnesses be examined separately and apart from each other, and you are not to permit either Party to be attended by an Attorney or other professional Adviser.

8. You are to observe that the Accused Party is not to be interrogated, and that the examination of his Wife (attending as a Witness for him) is not to be taken *upon Oath*, and that the Evidence of a dismissed Officer or Clerk is not to be received without the special sanction of the Board.

9. In summing up the Evidence with reference to each particular Article of Charge, you are to report

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how far, in your opinion, the same has been proved or otherwise; with such Observations on the Character and Conduct of the Complainant and the Accused as may appear to you to be material for the Board's consideration; especially noting the time when the accused was admitted, and whether he has ever before been charged, and if so, when, and for what offence, and the Board's decision thereon.

10. The Names and Designations of the Persons examined are to be stated at the beginning of your Report of the Investigation, in form and manner following:

- Date of Order for Charging .....
- Charge delivered .....
- Charge answered .....
  
- A. B. Collector .....Page 2—A
- C. D. Surveyor..... „ 4—B
- E. F. Tide Surveyor ..... „ 6—C
- G. H. .... Ditto..... „ 8—D

## QUESTIONS

*To be answered by Officers making Seizures, and which are referred to in the 20th Article of the Collector's Instructions.*

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1. Date of Seizure, and when delivered to the Collector and Comptroller, if any delay occurs explain the cause.

2. The Name and Rank of every Officer, or Person employed in the Customs, concerned in making the Seizure; and if made by the Navy, the Name of the Ship and of her Commander (who is to be requested to furnish these particulars), and of the Flag Officer under whose command he is serving.

3. The quantity and quality of the Goods, of what Country they are the production, and how that fact is ascertained.

4. Particular circumstances which led to the Seizure, and the cause of Forfeiture.

5. State the Act or Acts of Parliament, specifying *the sections* thereof, under which the Seizure is considered liable to forfeiture.

6. Whether attended with any attempt to rescue, and if any, state all the particulars.

7. The probable value of the Vessel, Goods, &c. respectively.

8. If the Vessel, in which the Goods were imported, is seized, state her Name, and that of the Master, of what Country, from what Place, by whom Owned, and her Burthen according to British Admeasurement, and, if British, when and where registered.

9. If the Goods were seized on board any Vessel, state her name, and that of the Master, of what Country she is, and her Burthen according to British Admeasurement, from whence, whether the Goods were reported by the Master, and if not, whether there is reason to believe they were purposely omitted.

10. If the Goods were seized in Boats or other Vessels employed in the unshipping or landing the Goods, state out of what vessel they were taken, with the Names of the Persons concerned in the transaction.

11. If the Goods were seized on Shore, state the Names of the Persons from whom seized, and whether the Horses, Cattle, or Carriages employed in the removal of the Goods have been detained.

12. If seized in any Building or other Premises, state by whom the same are occupied, and whether there is reason to believe the occupiers were privy to the Goods being lodged there, and the grounds thereof, or by whom they were lodged, or in whose possession they were at the time of seizure.

13. When Persons are liable to Prosecution for Penalties, state whether proceedings have been instituted for the recovery of the same, and if they have not, the reason; whether the parties from their situation in life will be enabled to pay the penalty, and whether they have ever been before guilty of a similar offence.

14. In cases of Seizures of Slaves, state from whence brought, or to what Place intended to be carried, by whom Owned, Place of domicile, of what Country, Age, Sex, previous employment, Names of Parties concerned in the transaction, name of Vessel employed, and of the Master.

15. The State of the Proceedings, and the Amount of Law Expenses, and all other Charges incurred up to the time of reporting the Seizure.

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NOTE.—The above particulars to be transmitted, with the Collector's and Comptroller's report of *each* Seizure, by the first opportunity after the same is made, who are to enclose Copy of any Case submitted to the Attorney or Solicitor General, respecting the Seizure, with their opinion.

## INSTRUCTIONS

*For preparing Accounts of Seizures referred to in the 25th Article of the Collector's Instructions.*

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1. Every Seizure made during the Quarter, and all Proceedings instituted for the recovery of pecuniary Penalties, are to be inserted in the Account, No. 1, referring therein to your Report to the Board, notifying such Seizure or Prosecution. Every Seizure is to be numbered, progressively, from the commencement of each year. In all cases of Seizure or Detention of Vessels, &c. which it may be deemed inadvisable to prosecute, the particulars are to be noted in the Account, No. 1, and the grounds on which proceedings were waved, are to be fully stated.

2. When the Opinion of the Advocate, Attorney or Solicitor General, shall be taken on any case relating to Seizures, or Proceedings for pecuniary Penalties, the original case and opinion, or copies of the Correspondence relating thereto, are to be annexed to the Account for the Quarter in which the same may take place.

3. When Claim shall be entered for any Vessel or Goods seized, and the Security required by the Act 6 Geo. IV. cap. 114, Sec. 62, is given to answer and pay the Costs occasioned by such Claim, and the Costs so secured shall not be paid, the cause thereof is to be reported to the Board, and reference made in the Account, No. 1, to such report.

4. Accounts of the Sale of all condemned Vessels or Goods, (according to the annexed Form) sold during the Quarter, (the Lots in which Account are to be numbered progressively, as they were sold); also an Account of the Charges attending the condemnation and sale of such Vessel or Goods, according to the annexed Form, signed by you, together with Copy of the Sentence of Condemnation, are to be transmitted with your Quarterly Account of Seizures. Should any variation occur between the description of Goods, as inserted in the original Report of the Seizure and the "Account of Sales," the cause thereof is to be explained.

5. When any Seizure shall have been appraised previous to being delivered upon Security, the Certificate of Appraisement is to be annexed to your Account.

6. Separate Vouchers are to be transmitted for each item of Charge, which latter are not to be blended together; and all Bills and Receipts are to be dated, the former to correspond with the time when the Charge was incurred, the latter with the actual day of payment; and all Receipts are to specify the names of the persons on whose account the money is received; and original Vouchers only are to be transmitted.

7. Should the Governor, on being furnished with a statement of the gross produce of a Seizure, and particulars of the Charges thereon, as directed by General Order of the 30th December, 1786, refuse to grant his Certificate, approving of the charges of sale and condemnation, previous to the



proceeds of the Seizure being distributed; such refusal is not to prevent the transmission of the Account of Sales, and Vouchers for the Charges, conformably with the General Order of the 4th August, 1807; and the reasons assigned by His Excellency for withholding his Certificate, are to be reduced to writing, and transmitted to the Board for their consideration, that such directions as are deemed requisite may be given before the proceeds are distributed. His Excellency's share will not be payable under the Board's Order of 8th February, 1805, or his receipt for the amount required, until the Board's Order for distribution shall have been received by you.

8. You will observe that the General Order of 8th February, 1805, does not apply to Seizures compromised under the regulations contained in the Board's Order of 24th December, 1793, but that such compromises are to be brought to account as soon as they are received, the same not being subject to appeal, nor is any charge whatever to be made thereon; and in such cases a copy of the Order of the Court, authorizing the compromise, is to be transmitted; and it is to be observed, that after deducting one-third of the appraised Value, out of which the Claimant is to pay all Expences, the remaining two-thirds are to be distributed in the same manner as the net proceeds of all other Seizures, whether made by Officers of the Navy or Officers of the Customs.

9. Upon the receipt of our Order, directing the distribution of the proceeds of Seizures, the same is to be communicated to the Governor and

other Parties interested in such proceeds, or their legal representatives, and their respective shares are to be paid, and the Crown's share carried to your general Cash Account within fourteen days after the receipt of our Order.

10. Observing that upon the distribution of the proceeds of Seizures, the particulars of the Seizure are to be inserted in the Account of Seizures discharged, and the Crown's share stated, at the par of exchange; to which Account are to be annexed, the receipts of the several Parties concerned, as a final discharge for the total net proceeds of the Seizure. In the event of any of the Parties, or their Agents duly authorized, not being on the spot to receive their shares, the circumstance is to be specially noted on the Account, and the name of the Officer entitled thereto be stated therein; and the amount of such share is to be deposited in the King's Chest under your joint locks.

11. In making any payment on account of Seizures by His Majesty's Navy, you will observe that the receipt of the Commanding Officer is not a legal discharge for the shares of the other Officers and Crew; and that the particular proportions of the Moiety payable for such Seizures, are to be paid only to the Parties (or their Agents duly authorized to receive the same) in the manner pointed out by our General Orders of 26th August, 1819, and 10th May, 1822; and in default of such Parties, or their Agents, applying for their respective shares within two months from the time the money becomes payable, you are to pay the same to the Deputy Treasurer of Greenwich Hospital, as directed by our Order of 8th June, 1821.

12. In such other cases where the Parties may be absent, or have left the Colony, and their legal Representative shall not apply for payment of the share due to such Parties, within two months from the date of the receipt of our Order for distribution: you will remit such unclaimed shares to the Receiver General of the Customs in London, at the current rate of exchange, annexing to your Accounts a Certificate from the Drawer of the Bills, of the premium paid thereon, which Certificate the Chief Officer of the Commissariat Department is to be required to verify, so far as relates to the rate of exchange.

13. In cases of Seizures, which have been delivered upon Bond by Order of the Court of Vice Admiralty, (which Bond is directed, by the 6 Geo. IV. Cap. 114, Sec. 58, to be deposited with the Collector and Comptroller), and the Bond so taken shall be cancelled, a Certificate of the Fact, from the Claimant, is to be transmitted by you, and the grounds and authority for the proceeding in each case to be fully explained.

14. When Seizures are acquitted or restored, either upon Appeal, or by Order of the Board, you will in the former case annex to your Account a Copy of the Sentence of the Court of Vice Admiralty; and in the latter case, proper receipts should be transmitted for the amount of the proceeds paid over to the Parties authorized to receive the same.

15. All seized Goods acquitted or restored, either under the authority of the Court of Admiralty, or by Order of the Board, become liable to the Duties due on the importation of such Articles,

which are in all cases to be charged thereon accordingly, before the Goods are delivered; or be deducted from the proceeds in case the Goods shall have been sold.

16. When the proceeds of Seizures are remitted to the Registrar of the High Court of Admiralty, by Order of that Court, such remittance is to be noted in the Account No. 2; and all charges incurred up to the period of such remittance are to be deducted, and the particulars of the Seizure are to be specified, under the proper Heads, in the Account of Seizures discharged; the Head of "Crown's Share in Currency" to be left blank, and the sterling amount of the net proceeds at the then current rate of exchange, to be entered under the Head of "Crown's Share in Sterling:" the Collector's Account Current to be debited with the amount and discharged by the Sum remitted, and the particulars of such remittance to be stated in that Account.

17. In cases of Seizures, where the Board do not deem it proper to prosecute, or resist appeals, and proceedings are continued by the Seizing Officers at their own risk, it is to be observed, that the Crown, the Governor, and Admiral, (as the case may be) are entitled to the same proportion of the proceeds as if the prosecution had been carried on by Order of the Board, and the proceeds are to be brought to account accordingly.

## No. 10.

Port of

ACCOUNT of the Sale of Sundry Goods seized by Officers  
of His Majesty's Customs, within this Port and District, and  
condemned in the Court of Vice Admiralty, on the            day  
of                            18    , and sold before us the            day  
of                            18    .

Date of Seizure	N <sup>o</sup> .	By whom seized	N <sup>o</sup> . of Lot	To whom sold	Particulars of the Goods	Price	Amount in Currency		
1827.									
Oct. 25	18	John Nokes, Waiter.	1	James Stiles	100 lbs. Cheese	6d. per lb.	2	10	0
" "		Ditto	2	Henry Field	100 Yards Silk	3s. per Yard	15	0	0
31	19	Henry Trew, Controller.	3	John Smith	200 G <sup>s</sup> . Port Wine	10s. per Gall.	100	0	0

Total Amount of Gross Proceeds.....£117 10s. 0d.

## Charges of Condemnation and Sale.

Number of Voucher	To whom paid	On what Account	Amount paid			Amount of Gross Proceeds as above		
			£.	s.	d.	£.	s.	d.
1	Thomas Frazer.....	Wharfage .....	3	4	2	117	10	0
2	Henry Dobree .....	Store Rent .....	2	10	0			
3	{ John Stuart, Esq. Attorney General	{ For Opinion & con- ducting Proceedings }	22	5	0			
5	T. Palmer, Esq. ....	Judge V. A. Court...	6	7	6			
6	D. Rowley.....	Registrar ditto.....	4	3	4			
7	W. Gilbert.....	Marshal ditto.....	3	2	9			
8	James Finnis .....	Advertising Sale ....	0	17	6			
9	John Smith .....	Ditto.....	0	17	6			
						43	7	9
Net Proceeds..£						74	2	3

Custom-House, Halifax,  
January, 1828.

A. B. Collector.

C. D. Controller.

These are to certify, that I have no objection to the Charges made by the Collector attending the Condemnation and Sale of the Seizures within mentioned, and believe the same were necessarily incurred and actually paid.

E. F. Governor.

**Appropriation of Net Proceeds—if Seizures made by Officers of Customs.**

Crown's Share .....			
Seizing Officer's Share (if more than One Officer be entitled to participate, the Amount due to each to be stated) .....			
Governor's Share .... (Naming the Officer Administering the Government at the Date of Seizure) .....			
£			

**Appropriation of Net Proceeds—if Seizures made by Officers of the Navy.**

Crown's Share .....			
Flag Officer .... (One-eighth of the Seizor's Moiety, See Order in Council, 8th Oct. 1816)			
Seizor's Share .. (Seven-eighths, See same Order) ..			
£			

**A. B. Collector.  
C. D. Controller.**

**NOTE.** When Monies are received on account of pecuniary Penalties, a Statement of the amount recovered, with an account of the Costs of the Proceedings, and the appropriation of the Net Proceeds, is to be transmitted, with the Accounts for the Quarter in which same is received.

## LIST

OF

## INSTRUCTIONS

*To be furnished to the Collectors of Customs in the British Possessions abroad, pursuant to the Second Article of His Instructions.*

- 
1. Comptrollers.
  2. Landing Surveyors.
  3. Landing Waiters and Searchers.
  4. Tide Surveyors.
  5. Clerks for General Business.

*Free Warehousing Ports.*

6. Collectors and Controllers.
7. Warehouse-keepers.

*4½ per Cent. Ports*

8. Collectors.



**LIST of BOOKS to be kept in the Collectors Office; also of ACCOUNTS to be transmitted to the respective Departments; and of PRINTED FORMS and OFFICE BOOKS provided at the Expence of the Crown, Specimens of which are hereunto annexed.**

By what Law or Authority required.	REGISTRY.		To whom to be transmitted.
6 Geo. 4, c. 110, s. 25	1	Builder's Certificate .....	Register General of Shipping Quarterly.
s. 16	2	Surveyor's Certificate of Admeasurement .....	
s. 14	3	Registry Oath.....	
s. 21	4	Bond given by the Master and Subscribing Owners } previous to the Vessel being Registered .....	
s. 2	5	Certificate of Registry (Parchment) .....	
s. 20	6	Bond for lost Certificate of Registry .....	
s. 21	7	Bond on obtaining Licence in case of lost Certificate	
s. 22	8	Bond to be given by the Master when the Vessel } shall be at any other Port than that to which she } belongs. ....	
s. 12	9	Bond to be given when Master is changed .....	
s. 12	10	Certificates for Ships built in the Colonies for } Owners resident in the United Kingdom..... }	
General Order, } 16 Nov. 1785. }	11	Books for recording Certificates of Registry.....	
General Order, } 16 Nov. 1785. }	12	Copies of all Certificates of Registry issued (Paper ) (No. 5.).....	
General Order, } 30 July, 1818 }	13	..... Ditto..... granted to Ships built in the Colonies, to proceed to their Port of Registry (No. 10.) .....	
General Order, } 7 May, 1789 }	14	List of Certificates of Registry granted & cancelled	
General Order, } 80 July, 1818 }	15	List of Vessels Inwards .....	
General Order, } 14 June, 1825 }	16	....Ditto....Outwards.....	
General Order, } 14 June, 1825 }	17	Account of Transfers of Property and Endorse- ment of New Master.....	
General Order, } 14 June, 1825 }	18	Account of all Vessels belonging to the Port on the 31st December of each Year, with their Names, Tonnage, &c. registered in pursuance of the Acts 4 and 6 George 4. ....	
<b>ACCOUNTS OF IMPORTS &amp; EXPORTS.</b>			Ditto Annually.
General Order, } 12 Aug. 1826 }	19	Account of Vessels Inwards ..... A.. }	Inspector General of Imports and Exports Quarterly
	20	Account of Goods Imported in British Ships.. B.. }	
	21	.....Ditto..... in Foreign Ships.. C.. }	
	22	Account of Vessels cleared Outwards.....D.. }	
	23	Account of Goods Exported in British Ships.. E.. }	
	24	..... Ditto .....In Foreign Ships.. F.. }	
	25	Book for recording Account A (No. 10).....	
	26	.....Ditto..... B (No. 20).....	
	27	.....Ditto..... C (No. 21).....	
	28	.....Ditto..... D (No. 22).....	
29	.....Ditto..... E (No. 23).....		
30	.....Ditto..... F (No. 24).....		

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By what Law or Authority required.	WAREHOUSING PORTS.	To whom to be transmitted.
	31 Warehouse-keeper's Register .....	Inspector and Examiner Quarterly.
	32 Blank Form ditto for Quarterly Account.....	
6 Geo. 4, c. 114, s. 36	33 Bond given by Importer upon Entry of Goods to be Warehoused .....	
"	34 Bond given by Purchasers of Goods Warehoused in lieu of original Bond.....	
s. 42	35 Bond given on Entry of Goods to be exported from the Warehouse.....	
7 & 8 Geo. 4, c. 56, s. 57	36 Bond given on Entry of Goods to be removed from one Warehousing Port to another such Port in same Colony.....	
	37 Notice of intended removal of ditto.....	
	38 Lockers' Notes, Home Consumption.....	
	39 . . . Ditto . . . Exportation.....	
	40 Certificate of Bond for Exportation of Warehoused Goods .....	
	41 Landing Waiter's "Red Books" .....	
	42 Master's Report Inwards.....	
	43 Baggage Sufferance.....	
	44 Certificate of Over Entry .....	
6 Geo. 4, c. 114, s. 20	45 Bill of Sight .....	
	46 Damage Certificate .....	
	47 Certificate for discharging Bond.....	
	48 Landing Waiters' "Blue Books" .....	
6 Geo. 4, c. 114, s. 16	49 Books to record Ship's Entry Outwards.....	
	50 Stiffening Order .....	
s. 26	51 Affidavit of Grower (or Agent) of the growth or production of Sugar, Coffee, Cocoa Nuts, Spirits, or Mahogany .....	
s. 26	52 Ditto of Exporter or Shipper of . . . ditto.....	
s. 26	53 Ditto of Master of Vessel in which such Goods are laden .....	
s. 26	54 Certificates of Production for Sugar, Coffee, &c. . .	
s. 27	55 . . . . . Ditto . . . . . on re-exportation of ditto.	
s. 16	56 Master's "Content" (or Report Outwards) (Long)..	
	57 . . . . . Ditto . . . . . ditto . . . . . (Short)..	
	58 Additional ditto.....	
	59 General Clearance (Long) .....	
	60 . . . . . Ditto . . . (Short) .....	
	61 Cash Books A, B, C, D .....	
General Order, 2 April, 1828	62 Account of all Goods imported, specifying the Vessel, Master's Name, and whence, the quantity, and quality of the Goods entered by each individual, with the Amount of Duty received on each Article described in each Entry, or if the Goods are exempt from Duty, the Grounds of Exemption are to be noted against such Entry.	Inspector and Examiner Quarterly

By what Law or Authority required.		To whom to be transmitted.
General Order, 2 April, 1828	63 Account of Goods Exported, shewing the Name of the Ship and Master, her destination and when cleared, with the Total Quantity of each sort of Goods on Board, distinguishing such as are the Produce of the Possession whence cleared from such as are the Produce of some other Possession British, or Foreign, and whether such Goods were exported from the Warehouse, or whether any, and what, Duty had been paid on such Goods, specifying the Act imposing such Duty, with the Date of Importation and of Payment.....	Inspector and Examiner Quarterly.
Ditto	64 Account of Salaries and Incidents .....	ditto
General Order, 20 July, 1795	65 Account of Letters received and sent.....	ditto
General Order, 2 April, 1828	66 Account of Remittances to the Receiver General of Customs and Payments to the Colonial Treasurer, or Receiver General.....	ditto
Ditto	67 Quarterly Account Current of Receipts and Payments	ditto
Ditto	68 Annual.....ditto.....ditto .....	ditto
Ditto	69 Annual Abstract Account of Charges.....	ditto
	70 Register of Seizures .....	
	71 Book for Entering Accounts of Sale (Blank).....	
	72 Seizure Notes .....	The Board
General Order, 8 Oct. 1816	73 Quarterly Account of Seizures, Nos. 1 and 2 ....	Inspector and Examiner.
General Order, 2 April, 1828	74 .....Ditto..... discharged .....	
	75 Letter Book.....	
	76 Index of Orders received from the Board, &c. ....	
	4½ PER CENT. PORTS.	
	77 Quarterly Account Book (Blank).....	Inspector and Examiner Quarterly.
	78 Book for recording ditto (ditto) .....	
	79 Form of Indenture for Male Negroes .....	
	80 .....Ditto..... Female ditto .....	
	81 Annual Account of Establishment, &c. and Comparative Statement of the Trade, Receipt, and Expenditure of the Port .....	The Board.
	82 List of Printed Forms and Office Books supplied by the Crown .....	

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